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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,620	12/05/2001	Atsushi Sakamoto	401471/CHISSO	1955
23548	7590	06/01/2005	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			SAYALA, CHRAYA D	
			ART UNIT	PAPER NUMBER
			1761	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/002,620	SAKAMOTO ET AL.	
	Examiner	Art Unit	
	C. SAYALA	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-20 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-19 is/are allowed.
- 6) ☒ Claim(s) 4-13, 22-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The advisory action mailed 5/10/2005 has been vacated and the following Office Action takes its place. It has been noted that the Paper filed 4/4/2005 by applicant was erroneously entered as an after-final response and that has been corrected. This action replaces the previous non-final action mailed 5/20/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 4-7, 20, 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Bardsley (US Patent 3979198).

Table V teaches a mixture of potassium metaphosphate and urea-formaldehyde as a nutrient filler particle and meets claims. Note the amounts that appear to overlap with those claimed. As for claim 20, which includes the step of adding to the urea/aldehyde condensation product, a sparingly soluble phosphatic fertilizer, the reference teaches just that and therefore, meets the limitation describing the physical characteristics making it inherent.

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2. Claims 4-8, 20, 22, 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Rehberg et al. (US Patent 5174804).

See claims 7, 9 and 12.

3. Claims 4-8, 20, 22, 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0968980.

See the abstract which teaches the size of the fertilizer particle and claims 4-5 and 8, 16 and 17.

4. Claims 4-7, 20, 22, 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Kealy et al. (US Patent 3119683).

See col. 3, lines 50-65 which discloses a mixed fertilizer product with urea-formaldehyde and mono, di and triphosphates.

5. Claims 4-7, 20, 22 and 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Kealy. (US Patent 2955930).

The patent teaches a fertilizer which combines in its composition, dicalcium phosphate, among others, with urea-formaldehyde. See col. 14, lines 25+ and see claim 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-13, 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bardsley et al., Kealy et al., Kealy, Rehberg et al. or EP 0968980 in view of Goertz et al. (US Patent 4025329) and Mason (US 3205061) and Stansbury et al. (US Patent Re 27238).

The primary references are as discussed above. They do not teach particle size of that the phosphate and urea-aldehyde product is combined with a wax. Goertz teaches combining a urea formaldehyde fertilizer with phosphate and also teaches sizes for fertilizer granulates. One skilled in the art who is considering the manufacture of urea-aldehyde products for fertilizers would have been motivated to follow the size of particulates given in this reference at col. 4. Combining urea fertilizers with water insoluble wax is known in the art and for the slow-release properties that this provides, it would have been obvious to one of ordinary skill to incorporate such in the teachings of the primary references.

Response to Amendment

Applicant's arguments filed 4/4/2005 have been fully considered but they are not persuasive.

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Applicant's comparison of the sparingly soluble phosphates of the references (in conversion to P_2O_5) has caused the withdrawal of the rejections over the following references: Thomas et al. Aoki et al. and Kempf et al.

The Bardsley reference is still applicable based on Table 1 and the ratio of P_2O_5 to urea/formaldehyde condensation product that may be calculated from it. Remarks made with respect to the Rehberg et al. reference were not convincing because the calculations presented pertain to magnesium ammonium phosphate whereas the sparingly soluble salt that apply to the claims is dicalcium phosphate, etc. So long as the reference teaches dicalcium phosphate and urea-formaldehyde, this reference is relevant and applicable. Arguments presented for EP '980 and Kealy et al. and Kealy are not convincing and are maintained. Applicant's arguments with respect to claim 28 are not persuasive because the claim is to a urea/aliphatic aldehyde condensation product described by physical characteristics which would be either intrinsically part of the condensation product or obvious over the references applied.

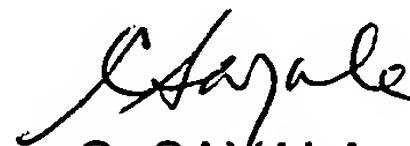
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. SAYALA whose telephone number is 571-272-1405.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



C. SAYALA
Primary Examiner
Group 1700.